

REMARKS

Claims 1-30 remain pending in the application. Reconsideration and allowance of claims 1-30 is requested in light of the following remarks.

Claim Rejections – 35 U.S.C. § 103

Claims 1, 3, 5, 6, 9, 11, 13, 15, 16, 19, 21, 23, 25, 26 and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,297,144 to Gilbert et al. ("Gilbert") in view of U.S. Patent No. 6,069,885 to Fong et al. ("Fong") and U.S. Patent No. 5,890,134 to Fox ("Fox"). The applicant disagrees.

Gilbert FIG. 3 illustrates a typical timing cycle for Gilbert's reservation-based polling protocol (column 7, lines 23-24). The protocol is cyclical with each cycle consisting of a reservation request period and a polled data period (FIG. 3; column 7, lines 28-30). To initiate the timing cycle, the central station transmits a reservation sync RS frame 52 to all the remote stations (FIG. 3; column 7, lines 35-36). The reservation sync RS frame is issued periodically, and it defines the start of a number of time slots (column 7, lines 38-39). Every remote station has a *preassigned waiting period* that begins upon the reception of the reservation sync frame (column 7, lines 41-42; emphasis added). These waiting periods are illustrated as time slots TS in FIG. 3, which fill up the remainder of the reservation request period (column 7, lines 42-45).

According to Gilbert, if a remote station has data to transmit, it will issue a reservation request RR frame 53 during the time slot that was previously assigned to it (column 7, lines 46-56).

Thus, contrary to claim 5, Gilbert's remote stations do not decode from the wirelessly received multi-poll scheduling frame a schedule for wireless communications with another device. Rather, Gilbert's remote stations each have a unique pre-assigned waiting period, and after the waiting period is over the remote stations issue a reservation request (RR) frame if it has data to transmit. Since Gilbert's remote stations are pre-set to communicate with the central station only after a pre-determined interval from the receipt of the reservation sync (RS) frame, Gilbert's processor is not adapted to decode a schedule for wireless communications from the multi-poll scheduling frame.

Neither Fong nor Fox are alleged to teach the above feature, nor do they do so. Consequently, the Gilbert/Fong/Fox combination fails to establish a *prima facie* case of obviousness for claim 5 because it does not teach or suggest all the features recited in the claim. MPEP 2143.03.

Furthermore, although it is admitted that Gilbert and Fong fail to teach the recited feature of a processor adapted to dynamically reschedule wireless communications during the second time window to begin before the end of the first time window in response to the rescheduling frame, Fox is alleged to teach this feature. The applicant disagrees.

Fox is directed at an improved scheduling algorithm that improves the quality of existing computer assisted scheduling programs, which results in an improved scheduling program (column 3, lines 28-31). According to Fox, each project is composed of a number of tasks, and the improved scheduling program starts with the entry of data about each task, such as task duration D and precedent constraints P (FIG. 1; column 6, lines 16-22). According to Fox, a precedent constraint P is when a certain task must be performed prior to another (column 6, lines 23-24).

The end result of Fox's process is to produce an optimized schedule S5 (FIG. 1). However, it is apparent that Fox's optimized schedule is produced before the first task in the project is ever begun. Contrary to claim 5, Fox gives no indication that during a first time window (the actual execution of a task) a reschedule frame is received. Nor does Fox indicate that dynamic rescheduling of the second time window occurs in response to receiving the reschedule frame during the first time window.

Also contrary to claim 5, Fox gives no indication that the duration D of a task is ever changed. Indeed, from Fox's standpoint, the duration D of a task is constant (FIG. 1; column 6, lines 16-22). Claim 5 recites dynamic rescheduling of the second timeframe to begin before the first timeframe ends, thereby expanding the original duration of the second timeframe.

For these additional reasons, the Gilbert/Fong/Fox combination fails to establish a *prima facie* case of obviousness for claim 5 because it fails to teach or suggest all the features recited in the claim. MPEP 2143.03.

The other independent claims in the case (1, 11, 15, 21, and 25) are rejected using the same rationale as that applied to claim 5. Thus, for the same reasons outlined above for claim 5, the Gilbert/Fong/Fox combination fails to establish a *prima facie* case of obviousness for claims 1, 11, 15, 21, and 25 because it does not teach or suggest all the features recited in the claims. MPEP 2143.03.

Claims 3, 6, 9, 13, 16, 19, 23, 26, and 29 depend from one of the independent claims 1, 5, 11, 15, 21, or 25. Consequently, these claims are nonobvious with respect to the Gilbert/Fong/Fox combination at least because they depend from a nonobvious independent claim. MPEP 2143.03.

Claims 2, 4, 7, 10, 12, 14, 17, 20, 22, 24, 27 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gilbert, Fong, Fox, and further in view of U.S. Patent No. 6,374,103 to Kamel et al. ("Kamel"). The applicant disagrees.


Claims 2, 4, 7, 10, 12, 14, 17, 20, 22, 24, 27, and 30 depend from one of the independent claims 1, 5, 11, 15, 21, or 25. Kamel is not alleged to teach the features of the independent claims that the Gilbert/Fong/Fox combination fails to teach, nor does Kamel teach those features. Consequently, the Gilbert/Fong/Fox/Kamel combination fails to establish a *prima facie* case of obviousness for the independent claims, and claims 2, 4, 7, 10, 12, 14, 17, 20, 22, 24, 27, and 30 are also allowable over this combination at least because any claim that depends from a nonobvious independent claim is also nonobvious. MPEP 2143.03.

Conclusion

For the above reasons, reconsideration and allowance of claims 1-30 is requested.
Please telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case

Respectfully submitted,

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is being transmitted to the U.S. Patent and
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(571) 273-8300 on July 19, 2005.

Submitted:


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